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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,774	07/20/2004	Yasuhiro Sakurai	042593	4439
38834	7590	11/01/2005		EXAMINER
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036			GOODLEY, JAMES E	
			ART UNIT	PAPER NUMBER
			2817	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/501,774	SAKURAI, YASUHIRO
	Examiner	Art Unit
	James E. Goodley	2817

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 July 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-13 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 July 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/15/2005</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 13 recites, “the temperature compensated oscillator according to claim 8, wherein said selection information storage circuit is composed of a predetermined conductive pattern and stores information for controlling a selection state of said selection means caused by the conductive pattern being cut”. It is unclear what applicant means by the term “cut”. It is unclear whether “cut” refers to deliberate, physical cutting (such as cutting by a laser) or whether “cut” refers to “cutting out” a protective device, such as a fuse. The interpretation taken by the office in this action is that “cut” refers to accessing a protective device, such as blowing out a fuse.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 5 and 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by **Cole et al (US 5,994,970)**.

Regarding **claim 1**, lines 22-67 of column 3, lines 1-19 of column 4, lines 24-39 of column 8 and Fig. 1 of Cole shows a temperature compensated oscillator, comprising:

an oscillation circuit [10] whose oscillation frequency varies with a temperature change;

an output line [OUTPUT] for outputting a signal based on an oscillation output of said oscillation circuit;

a temperature detection circuit [16] for detecting a temperature state near said oscillation circuit; and

a temperature compensation circuit [14] for keeping a frequency of the signal outputted to said output line substantially constant based on an output from said temperature detection circuit,

wherein a selection means [24] is provided which selects whether to enable or disable a temperature compensation function [whether to switch in or out capacitors in array 22 - lines 24-39 of column 8] of said temperature compensation circuit.

Regarding **claims 3 and 5**, lines 8-23 of column 8, Figs. 1 and 7 of Cole shows the temperature compensated oscillator of claim 1, wherein said oscillation circuit has an oscillation capacitor [72], and wherein said selection means has means [data lines 76] for allowing said temperature compensation circuit to vary a capacitance value (by switching in and out capacitors 72) of said oscillation capacitor depending on a

temperature detected by said temperature detection circuit when enabling the temperature compensation function of said temperature compensation circuit (depending upon detected temperature and corresponding correction coefficient voltages from the look-up table), and fixing the capacitance value of said oscillation capacitor to a predetermined capacitance value [effective capacitance in oscillator circuit 12] when disabling the temperature compensation function.

Regarding **claims 8-10**, Fig. 1 of Cole shows the temperature compensated oscillation of claim 1, further comprising:

a selection information storage circuit [20] which stores control information [correction voltage coefficients in look-up table] for controlling a selection state [capacitance switching] of said selection means; and

a compensation data storage circuit [20] which stores temperature compensation data [correction voltage coefficients in look-up table] of said temperature compensation circuit,

wherein said selection information storage circuit and said compensation data storage circuit form an integrated storage circuit [20].

Regarding **claims 11-12**, Fig. 1 of Cole shows the temperature compensated oscillation of claim 1, further comprising:

an external control information input terminal ["DATA" input to 24] provided on a package (as per lines 44-47 of column 2) for inputting from outside control information for controlling capacitance switching of said selection means.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cole in view of **Gillig et al (US 5,856,766)**.

Regarding **claim 2**, Cole shows the temperature compensated oscillator according to claim 1 except, "further comprising:

a variable frequency division circuit between said oscillation circuit and said output line,

wherein said selection means has means for allowing said temperature compensation circuit to vary a frequency division ratio of said variable frequency division circuit depending on a temperature detected by said temperature detection circuit when enabling the temperature compensation function of said temperature compensation circuit, and fixing the frequency division ratio of said variable frequency division circuit to a predetermined value when disabling the temperature compensation function."

However, Fig. 4 and the abstract of Gillig shows a temperature compensated oscillator which has a frequency varying with temperature comprising: a temperature detection circuit [72] driving a temperature compensation controller [70] to vary a frequency division ratio [$\div J - 48$] of a variable frequency division circuit depending on a

temperature detected by said temperature detection circuit when enabling the temperature compensation function of said temperature compensation circuit (when temperature varies enough to require altering the division ratio according to temperature compensation values stored in memory 74), and fixing the frequency division ratio of said variable frequency division circuit to a predetermined value when disabling the temperature compensation function (when temperature is very close to room conditions and hence needs no compensation).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Cole by the device of Gillig by controlling the phase-locked loop dividing ratios via the programming interface of Cole for the purpose of being able to control both capacitance switching and divider control, therefore have greater temperature compensation ability.

Claims 4, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cole in view of *Wojewoda et al (US 5,731,742)*.

Regarding **claim 4 and 6-7**, Fig. 1 of Cole shows the temperature compensated oscillator of claim 3 except, "wherein said oscillation capacitor includes a variable capacitor which varies in capacitive value in accordance with a voltage applied thereto, and said temperature compensation circuit has means for changing the voltage applied to the variable capacitor to change the capacitance value of said oscillation capacitor".

However, lines 63-67 of column 3, lines 1-25 of column 4 and Fig. 2 of Wojewoda show temperature detection [34] and compensation circuits [30] which apply a

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correction voltage to varactors 68 to vary capacitance of the oscillator circuit and to switch in and out said varactors via an external signal [64].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Cole by the device of Wojewoda by including a voltage variable capacitance instead of switching in and out an array of discrete capacitors for the purpose of obtaining a more finely tuned temperature compensation circuit.

Regarding **claim 13**, (as best interpreted by the examiner) the device of Cole shows the temperature compensated oscillator circuit of claim 8 except, "wherein said selection information storage circuit is composed of a predetermined conductive pattern and stores information for controlling a selection state of said selection means caused by the conductive pattern being cut".

However, it is inherent that the selection information storage circuit (look-up table) has an array of storage cells of a predetermined conductive pattern. It is also well-known to include one or more fuses or like devices which can cut-out based on a threshold voltage or other environmental condition (such as temperature) and will therefore alter which memory address is being accessed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Cole by including a predetermined conductive pattern which stores information for controlling a selection state when said conductive pattern is cut for the purpose of accessing desired stored information when a fault condition, such as a detected voltage above some threshold, has occurred.

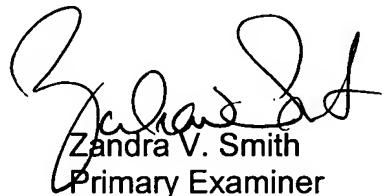
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James E. Goodley whose telephone number is 571-272-8598. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Pascal can be reached on (571)272-1769. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JG


Zandra V. Smith
Primary Examiner